

# Reading list



- [Material for review by roster members authorized to provide legal aid services in Gladue matters](#) -----2
- [Material for review by roster members authorized to provide legal aid services in general immigration and refugee law](#) -----4
- [Material for review by roster members authorized to provide legal aid services in appellate immigration and refugee law](#) -----4
- [Material for review by roster members authorized to provide legal aid services in Ontario Review Board matters](#) -----5
- [Material for review by roster members authorized to provide legal aid services in family law](#) -----8
- [Material for review by roster members authorized to provide legal aid services in child protection matters](#) -----12
- [Material for review by roster members authorized to provide legal aid services in general criminal law matters](#) -----15
- [Material for review by roster members authorized to provide legal aid services in health law consent and capacity matters](#) -----24
- [Material for review by roster members authorized to provide legal aid services in extremely serious criminal law matters](#) -----26

**Material for review by roster members authorized to provide legal aid services in Gladue matters**

A roster member must attest to having reviewed the following material:

- The *Criminal Code of Canada*, including sections 718.2(e) and 113, and 493.2 (Aboriginal accused or vulnerable populations)
- The *Youth Criminal Justice Act*, including section 38(2)(d)
- The *Canada Evidence Act*
- Significant leading and current jurisprudence including:
  - *R. v. Gladue*, [1999] 1 S.C.R. 688
  - *R. v. Silversmith*, [2008] O.J. No. 4646
  - *R. v. Brant*, [2008] O.J. No. 5375
  - *R. v. Batisse*, 2009 ONCA 114
  - *R. v. Robinson*, 2009 ONCA 205
  - *R v. Jacko*, 2010 ONCA 452
  - *R. v. Ipeelee*, [2012] 1 S.C.R. 433
  - *R. v. Bauer*, 2013 ONCA 691
  - *R. v. Armitage*, 2015 ONCJ 64
  - *R. v. Spence*, 2015 ONSC 1692
  - *R. v. Kreko*, 2016 ONCA 367
- LAO LAW memoranda including:
  - S10-37 *Gladue* Sentencing Submissions
  - S10-38 Aboriginal Offenders - Advocating For Alternatives to a Custodial Sentence
  - S10-39 Ontario Resources for Aboriginal Offenders
  - ZS10-74 Application of *Gladue* Principles
  - ZS10-47 Sentencing Aboriginal Offenders
  - ZP11-63 Application of *Gladue* Principles to Bail hearings
  - ZS10-26 Application of *Gladue* Factors Beyond Sentencing
- *Truth and Reconciliation Commission of Canada Final Report Volume 5: Over-representation of adults 218-243, Over-representation of youth 252-257;*  
[http://www.myrobust.com/websites/trcinstitution/File/Reports/Volume\\_5\\_Legacy\\_English\\_Web.pdf](http://www.myrobust.com/websites/trcinstitution/File/Reports/Volume_5_Legacy_English_Web.pdf)
- *Truth and Reconciliation Commission Calls to Action:*
  - English: [http://nctr.ca/assets/reports/Calls\\_to\\_Action\\_English2.pdf](http://nctr.ca/assets/reports/Calls_to_Action_English2.pdf)

- *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* including but not limited to Volume 1a: Chapter 8: Confronting Oppression – Right to Justice [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)
- *Calls for Justice from The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls:*
  - English: [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls for Justice.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf)
- *First Nations Representation on Ontario Juries (Iacobucci Report):*
  - English: [First Nations Representation on Ontario Juries - Ministry of the Attorney General \(archive-it.org\)](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/First_Nations_Representation_on_Ontario_Juries_-_Ministry_of_the_Attorney_General_(archive-it.org).pdf)
- United Nations Declaration on the rights on Indigenous Peoples; [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)
- A Guide for Lawyers Working with Indigenous Peoples; [https://lawsocietyontario.azureedge.net/media/lso/media/legacy/pdf/g/guide for lawyers working with indigenous peoples may16.pdf](https://lawsocietyontario.azureedge.net/media/lso/media/legacy/pdf/g/guide_for_lawyers_working_with_indigenous_peoples_may16.pdf)
- View the continuing legal education video "*Gladue* at practice CLE" <https://www.youtube.com/watch?v=lou8PU0o4lo>

**Material for review by roster members authorized to provide legal aid services in general immigration and refugee law**

*Immigration and Refugee Protection Act (IRPA)* and associated regulations  
Convention relating to the Status of Refugees  
Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment  
Rules of the Refugee Protection Division, Immigration Division and the Immigration Appeal Division  
IRB Chairperson's Guidelines IRB  
Practice Notices Significant jurisprudence  
UNHCR Handbook on Procedures and Criteria for Determining Refugee Status  
*Canada Evidence Act*  
*Interpretation Act*  
Relevant chapters of Immigration, Refugees and Citizenship Canada's (IRCC) Operational Instructions and Guidelines  
*Official Languages Act*, Part III (Administration of Justice)

**Material for review by roster members authorized to provide legal aid services in appellate immigration and refugee law**

Materials for the Refugee and Immigration (General) roster authorization  
Rules of the Refugee Appeal Division  
*Federal Courts Act*  
Federal Court Rules  
*Federal Court Immigration and Refugee Protection Rules*  
*Official Languages Act*, Part III (Administration of Justice)

## Material for review by roster members authorized to provide legal aid services in Ontario Review Board matters

### Legislation and Court and Tribunal Resources:

- *Criminal Code* Part XX.1 (Mental Disorder), as well as sections 16 and 2 of the Code;
- *Youth Criminal Justice Act* sections 34 and 146;
- *Mental Health Act* sections 21 and 22 (orders for a mental disorder examination);
- NCR and fitness hearings, treatment and “keep fit” orders, and applications to assess:
  - fitness to stand trial
  - not criminally responsible on account of mental disorder (NCR);
- Ontario Review Board (ORB) Rules of Procedure<sup>1</sup>;
- Patient rights under the Ontario *Mental Health Act* (including Forms 1, 2, 6 and 8), *Health Care Consent Act*, *Personal Health Information Protection Act* and *Substitute Decisions Act*;
- The processes, programs and services of Mental Health Court and associated court support workers;
- *Criminal Code* Part XVII (Language of Accused), sections 530 - 533.

### Community Resources:

- The availability of local resources, including alternative treatment options and the extent of institutional services; the Psychiatric Patient Advocate Office and other organizations such as ConnexOntario;
- General familiarity with the essential types of mental disorders so as to allow for the practical application in the law, including sufficient knowledge to allow for review of diagnostic tools, medical/expert evidence and mental health resources

### Jurisprudence:

Roster members who are authorized to provide criminal mental health legal services must be familiar with significant leading and current criminal law jurisprudence.

The following list highlights several important cases that criminal mental health lawyers should review:

- **Disease of the mind and criminal responsibility:**
  - *Cooper v. The Queen* [1980] 1 S.C.R. 1149
  - *R. v. Swain*, [1991] 1 S.C.R. 933 (NCR)

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<sup>1</sup> <http://www.orb.on.ca/scripts/en/legal/orb-rules.pdf>

- **Assessments**
  - *R. v. John Doe*, 2011 ONSC 92
  - *R. v. Sun*, [1999] O.J. No. 2821 (S.C.J.)
  - *R. v. Muschke* (1997), 121 C.C.C.(3d) B.C.S.C.
  - *R. v. Matthews*, 2014 CarswellOnt 15031 (C.J.)
  - *Phaneuf v. Ontario*, 2019 ONCA 901
- **Fitness**
  - *R. v. Taylor*, [1992] 77 C.C.C. (3d) 551 (Ont. C.A.)
  - *R. v. Whittle* (1994), 92 C.C.C. (3d) 11 (S.C.C.)
  - *R. v. Morrissey* 2007 ONCA 770
  - *R. v. Szostak*, 2012 ONCA 503
  - *R. v. Michael*, 2016 ONSC 2957
  - *R. v. Jaser*, 2015 ONSC 4729
  - *R. v. Walker*, 2019 ONCA 765
  - *R. v. Adam*, 2013 ONSC 373
  - *R. v. Bharwani*, 2023 ONCA 203
  - *R. v. Edwards*, [2020] O.J. No. 5207 (Ont.C.J.)
  - *R. v. Karimian-Kakolaki*, 2016 ONSC 8013
- **Treatment Orders**
  - *Fleming v. Reid* (1991), 4 O.R. (3d) 74
  - *Starson v. Swayze*, [2003] 1 S.C.R. 722 (S.C.C.)
  - *R. v. Walker*, 2016 ONSC 2299
  - *Centre for Addiction v. Mental Health v. R.*, 2014 SCC 60
- **Not Criminally Responsible**
  - *R. v. Szostak*, 2012 ONCA 503
  - *R. v. Dobson*, 2018 ONCA 589
  - *R. v. Bouchard-Lebrun*, 2011 SCC 58
  - *R. v. Stone* (1999), 134 C.C.C. (3d) 353 (S.C.C.)
  - *R. v. Cooper* (1980), 1 S.C.R. 1149
  - *R. v. Luedecke* (2008), 236 C.C.C. (3d) 317 (Ont.C.A.)
  - *R. v. Chaulk* (1990), 62 C.C.C. (3d) 193 (S.C.C.)
  - *R. v. Mann*, 2019 ONSC 1949
  - *R. v. J.F.*, 2019 ONCA 432
  - *R. v. Guidolin*, 2011 ONCA 264
  - *R. v. Richmond*, 2016 ONCA 134
- **Ontario Review Board case law**
  - *Mazzei v. British Columbia (Director of Forensic Psychiatric Services)* (2006), 206 C.C.C. (3d) 161 (S.C.C.)
  - *Winko v. British Columbia (Forensic Psychiatric Institute)*, [1999] 2 SCR 62521
  - *Pinet v. St. Thomas Psychiatric Hospital* [2004] 1 SCR 528
  - *R. v. Demers* (2004), 185 C.C.C. (3d) 257 (S.C.C.)
  - *R. v. Lynn*, 2020 ONSC 4581
  - *R. v. Raza*, 2017 ONSC 7090

- *R. v. Owen*, 2003 SCC 33
- *Penetanguishene Mental Health Centre v. Ontario (Attorney General)*, 2004 SCC 20
- *R. v. Conway*, 2010 SCC 22
- *Re Chaudry*, 2015 ONCA 317
- *Re Starz*, 2015 ONCA 318
- *Re Krivicic*, 2018 ONCA 535
- *Ontario (Attorney General) v. G.*, 2020 SCC 38
- *R. v. Breitwieser*, 2009 ONCA 784
- *Re Shortt*, 2020 ONCA 651
- *Re Ohenhen*, 2017 ONCA 960
- *R. v. Robertson*, 2011 ONSC 1945
- *Re Davies*, 2019 ONCA 738
- *Re Saikaley*, 2012 ONCA 92
- *Re Campbell*, 2018 ONCA 140
- *Re Tran*, 2020 ONCA 722
- *R. v. C.(M.L.)*, 2010 ONCA 843

#### **High Risk Accused Designation**

- *R. v. Carter*, 2015 CarswellOnt 15574 (Ont.C.J.)
- *R. v. Grant*, 2018 ONSC 3581

## **Material for review by roster members authorized to provide legal aid services in family law**

### Legislation

Roster members should have knowledge of the following legislation:

- The *Family Law Act*
- The *Children's Law Reform Act*, including the Hague Convention on the Civil Aspects of International Child Abduction
- The *Divorce Act*, including s. 23.2(1) (Official languages)
- The *Family Responsibility and Support Arrears Enforcement Act*
- The *Interjurisdictional Support Orders Act*
- The *Child Support Guidelines (regulation under the Family Law Act)*
- *The Child Support Tables* (available under the federal *Divorce Act*)
- The *Child, Youth and Family Services Act*
- *An Act respecting First Nations, Inuit and Métis children, youth and families*
- The *Family Law Rules*
- The *Rules of Civil Procedure*
- The *Evidence Act* (federal and provincial)
- The Law Society of Ontario's *Rules of Professional Conduct*
- The *Legal Aid Services Act, 2020*
- The *Canadian Charter of Rights and Freedoms*
- The *Courts of Justice Act*, including sections 51.2 (Use of official languages of courts) and sections 125 and 126 (Language)
- Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters
- The Spousal Support Advisory Guidelines

Additional legislation that may be relevant includes:

- The *Marriage Act*
- The *Partition Act*
- The *Change of Name Act*
- The *Fraudulent Conveyances Act*
- The *Intercountry Adoption Act*
- The *Arbitration Act*
- The *Family Homes on Reserves and Matrimonial Interests or Rights Act*
- The *Bankruptcy Act*
- The *Land Titles Act*
- The *Criminal Code of Canada*
- The *Youth Criminal Justice Act*
- The *Immigration and Refugee Protection Act*
- The *Law Society Act*
- The *Pension Benefits Division Act*



- The *Pension Benefits Standards Act*
- The *Succession Law Reform Act*
- The *Income Tax Act*

### Significant Leading and Current Jurisprudence

Roster members who are authorized to provide family law services must be familiar with significant leading and current family law jurisprudence.

The following list highlights several important cases that family lawyers should review:

#### *Parenting (Custody and Access):*

- *Barendregt v. Grebliunas*, 2022 SCC 22 (relocation; maximum contact principle)
- *Gordon v. Goertz*, [1996] 2 SCR 27, 1996 CanLII 191 (SCC) (mobility, best interests of the child, variation of custody and access orders, material change in circumstances)
- *Young v. Young*, 4 SCR 3, 1993 CanLII 34 (SCC) (religion, rights of an access parent, best interests of the child)
- *Kaplanis v. Kaplanis*, 2005 CanLII 1625 (ON CA) (joint custody, best interests of the child)
- *Ladisa v. Ladisa*, 2005 CanLII 1627 (ON CA) (joint custody, spousal support)
- *Linton v. Clarke*, 1994 CanLII 8894 (ON SCDC) (custody and access assessment)

#### *Child Support:*

- *Colucci v. Colucci*, 2021 SCC 24 (retroactive child support decrease, rescission of arrears)
- *D.B.S. v. S.R.G.*, [2006] 2 SCR 231, 2006 SCC 37 (CanLII) (retroactive child support)
- *Michel v. Graydon*, 2020 SCC 24 (retroactive child support)
- *Lewi v. Lewi*, 2006 CanLII 15446 (ON CA) (child support for adult children)
- *Park v. Thompson*, 2005 CanLII 14132 (ON CA) (adult children)
- *Francis v. Baker*, [1999] 3 SCR 250, 1999 CanLII 659 (SCC) (section 4 of the *Guidelines*)
- *Contino v. Leonelli-Contino*, [2005] 3 SCR 217, 2005 SCC 63 (SCC) (child support where both parents have the children more than 40% of the time)
- *Friesen v. The Queen*, 2022 TCC 53 (Canada Child Benefit where shared parenting)
- *Chartier v. Chartier*, [1999] 1 SCR 242, 1999 CanLII 707 (SCC) (child support payable by a step-parent)
- *Drygala v. Pauli*, 2002 CanLII 41868 (ON CA) (section 19 of the *Guidelines*, intentional underemployment)

- *DiFrancesco v. Coutu*, 2001 CanLII 8613 (ON CA) (rescission of arrears)
- *Senos v. Karcz*, 2014 ONCA 459 (CanLII) (child support for Ontario Disability Support Program recipients)

#### *Spousal Support:*

- *Miglin v. Miglin*, [2003] 1 SCR 303, 2003 SCC 24 (CanLII) (spousal support in the face of a spousal support release)
- *Fisher v. Fisher*, 2008 ONCA 11 (CanLII) (*Spousal Support Advisory Guidelines*)
- *Bracklow v. Bracklow*, [1999] 1 SCR 420, 1999 CanLII 715 (SCC) (entitlement to spousal support)
- *Boston v. Boston*, [2001] 2 SCR 413, 2001 SCC 43 (CanLII) (pensions and “double dipping”)
- *Willick v. Willick*, [1994] 3 SCR 670, 1994 CanLII 28 (SCC) (variation of support orders, material change in circumstances)
- *Moge v. Moge*, [1992] 3 SCR 813, 1992 CanLII 25 (SCC) (entitlement to spousal support, objectives of spousal support, self-sufficiency)
- *Davis v. Crawford*, 2011 ONCA 294 (CanLII) (broadens the circumstances in which lump sum spousal support payments can be awarded)

#### *Property:*

- *Rawluk v. Rawluk*, [1990] 1 SCR 70, 1990 CanLII 152 (SCC) (equalization of net family property, resulting trusts, constructive trusts)
- *Peter v. Beblow*, [1993] 1 SCR 980, 1993 CanLII 126 (SCC) (constructive trusts)
- *Best v. Best*, [1999] 2 SCR 868, 1999 CanLII 700 (SCC) (valuation of pensions)
- *Serra v. Serra*, 2009 ONCA 105 (CanLII) (unequal division of net family property)
- *LeVan v. LeVan*, 2008 ONCA 388 (CanLII) (setting aside domestic contracts, unequal division of net family property)
- *Kerr v. Baranow*, [2011] 1 SCR 269, 2011 SCC 10 (CanLII) (clarifies the law on constructive and resulting trusts and unjust enrichment on the breakdown of domestic partnerships)
- *Virv v. Blair*, 2017 ONCA 394 (fair valuation of assets is part of duty of disclosure)

#### *Motions to Change/Variations:*

- *Willick v. Willick* [1994] 3 SCR. 670, 1994 CanLII 28 (SCC) (variation of support orders, material change in circumstances)
- *L.M.P. v. L.S.*, [2011] 3 SCR 775, 2011 SCC 64 (CanLII) (variation of spousal support orders, material change in circumstances)

### *Separation Agreements and Disclosure Obligations:*

- *Rick v. Brandsema*, [2009] 1 SCR 295, 2009 SCC 10 (CanLII) (separation agreements, unconscionability)
- *Marinangeli v. Marinangeli*, 2003 CanLII 27673 (ON CA) (minutes of settlement, child support, material change of circumstances)

### *Summary Judgment Motions:*

- *Hryniak v. Mauldin*, [2014] 1 SCR 87, 2014 SCC 7 (CanLII) (summary judgment motions, purpose of summary judgment motions, access to justice, proportionality)

### *Hague Convention on International Child Abduction*

- *Office of the Children's Lawyer v. John Paul Balev, et al.*, 2017 CanLII 23874 (SCC) (interpretation of "habitual residence" under the Convention; best interests of the child; intentions of caregivers)

### *Hague Convention on Service*

- *Wang v. Lin*, 2016 ONSC 3967 (CanLII) (applicability of *Hague Convention on Service*, requirements for service of family law documents outside of Canada)

### *Urgent Motions*

- *Rosen v. Rosen*, 2005 CanLII 480 (ON SC) (definition of urgency; requirements for establishing urgency)

## **Material for review by roster members authorized to provide legal aid services in child protection matters**

### Legislation

Roster members should have knowledge of the following legislation:

- United Nations Convention on the Rights of the Child, Can. T.S. 1992, No. 3
- *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Schedule 1, and Regulations
- *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24
- *Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.), as amended
- *Indian Act*, R.S.C. 1985, c. I-5
- *The Constitution Act, 1982*, Schedule B to the *Canada Act 1982 (UK), 1982*, c. 11

### Significant Leading and Current Jurisprudence

Roster members who are authorized to provide child protection law services must be familiar with significant leading and current child protection law jurisprudence.

The following list highlights several important cases that such roster members should review:

#### *Charter of Rights*

- *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, 1999 CanLII 653, [1999] 3 SCR 46 (whether indigent parents have constitutional right to state-funded counsel when government seeks to remove from them custody of their children)

#### *Standard of Review*

- *B.J.T. v. J.D.*, 2022 SCC 24 (standard of review to be applied by appeal courts in child protection cases)

#### *Best Interests of Indigenous Children*

- *Windsor-Essex Children's Aid Society v. E.W.*, 2020 ONCA 682 (whether Indigenous children's best interests are statutorily entitled to special consideration)

#### *Access*

- *Official Guardian v. Strobridge*, 1994 CanLII 875 (ON CA) (delegating determination of access to independent third party)
- *Children's Aid Society of Toronto v. J.G.*, 2020 ONCA 415 (access to child in extended care - comparison of best interests analysis under CYFSA and previous stricter test under repealed *Child and Family Services Act*)
- *Kawartha-Haliburton Children's Aid Society v. M.W.*, 2019 ONCA 316 (test for access to children in extended care with special consideration to indigenous children; proper approach to summary judgment)

### *Summary Judgment*

- *L.M. v. Peel Children's Aid Society*, 2019 ONCA 841 (summary judgment test, interpretation of best interests and of access holder and access recipient)

### *Costs against Children's Aid Societies*

- *Hastings Children's Aid Society v. J.L.*, 2012 ONCJ 362

### *Warrantless Searches*

- *R. v. Frey*, 2020 ONCJ 83 (warrantless search by CAS leading to criminal search warrant and criminal charges)

### *Customary care agreement*

- *Children's Aid Society of Brant v. R.P.*, 2019 ONCJ 649 (customary care agreement and application of five-day hearing requirement after apprehension)

### *Evidence*

- *Ogwadeni:deo Six Nations Child Welfare v. K.L.H.*, 2021 ONCJ 339 (problem with expert evidence)
- *Children's Aid Society of London and Middlesex v. C.B and L.B.*, 2011 ONSC 5853 (whether mediator of closed mediation can testify at child protection trial)

### *Parties*

- *A.M. v. Valoris Pour Enfants et Adultes de Prescott-Russell*, 2017 ONCA 601 (whether foster parent should be added as party)

## Reports and Articles

Other relevant material includes the following:

Report of the Motherisk Hair Analysis review (The Honourable Susan E. Lang)  
[http://m-hair.ca/docs/default-source/default-document-library/motherisk\\_enfb30b45b7f266cc881aff0000960f99.pdf](http://m-hair.ca/docs/default-source/default-document-library/motherisk_enfb30b45b7f266cc881aff0000960f99.pdf)

Provincial and Territorial Child Protection Legislation and Policy 2018  
(Comparisons)  
[https://www.canlii.org/en/commentary/doc/2018CanLIIDocs11074?zoupio-debug#!fragment/zoupio-Tocpdf\\_bk\\_5/\(hash:\(chunk:\(anchorText:zoupio-Tocpdf\\_bk\\_5\),notesQuery:",scrollChunk:!n,searchQuery:/27013-current-1,searchSortBy:RELEVANCE,tab:search\)\)](https://www.canlii.org/en/commentary/doc/2018CanLIIDocs11074?zoupio-debug#!fragment/zoupio-Tocpdf_bk_5/(hash:(chunk:(anchorText:zoupio-Tocpdf_bk_5),notesQuery:)

Department of Justice Canada, Article 12 of the Convention on the Rights of the Child and Children's Participatory Rights in Canada, by Nicholas Bala and Claire Houston (Ottawa: Department of Justice, 2015)  
<https://www.justice.gc.ca/eng/rp-pr/other-autre/article12/index.html>

**Material for review by roster members authorized to provide legal aid services in general criminal law matters**

Legislation

Roster members should have knowledge of the following legislation:

*Canadian Evidence Act*

*Cannabis Act*

*Contraventions Act*

*Controlled Drugs and Substances Act*

*Criminal Code of Canada\**

*\*be aware of language rights at Part XVII (Language of Accused), sections 530 - 533*

*Part XX.1 (Mental Disorder), as well as ss.16 and 2 of the Code;*

*Canadian Charter of Rights and Freedoms*

*Corrections and Conditional Release Act and Regulations*

*Courts of Justice Act*

*Criminal Records Act and Regulations*

*DNA Identification Act*

*Extradition Act*

*Firearms Act*

*Highway Traffic Act*

*Identification of Criminals Act*

*Interpretation Act*

*Mental Health Act, sections 21 and 22 (orders for a mental disorder examination);*

*Mutual Legal Assistance in Criminal Matters Act*

*Prisons and Reformatories Act*

*Proceeds of Crime (Money Laundering) and Terrorist Financing Act*

*Provincial Offences Act*

*Seized Property Management Act (and Regulations)*

*Sex Offender Information Registration Act*

*Youth Criminal Justice Act, S.C. 2002, c.1, in particular:*

- Preamble
- Section 3: principles
- Sections 1-12: unique definitions
- Section 25 - 33: right to counsel, notice to parents, attendance, bail
- Section 35: Referral to Child Welfare Agency
- Section 38-42: Sentencing provisions
- Section 48: reasons have to be given for sentence
- Section 55: Conditions that can be in the order
- Sections 59-60: sentence reviews
- Section 82: proper advice to young person after sentence
- Sections 114-120: primary records sections
- Sections 146- 147: statements

## Court Rules

Criminal Rules of the Ontario Court of Justice  
Criminal Proceedings Rules of the Superior Court of Justice  
Criminal Appeal Rules  
Ontario court protocols and practice directions

## Significant Leading and Current Jurisprudence

Roster members who are authorized to provide criminal law services must be familiar with significant leading and current criminal law jurisprudence.

The following list highlights several important cases that criminal lawyers should review:

### **Classification of Offences and Trial Jurisdiction**

#### ***Election***

#### **-Summary Conviction/Indictable Proceedings**

*R. v. Dudley*, 2009 SCC 58

*Libman v. R.*, 1985 CanLII 51 ((S.C.C.))

### **Investigative Powers**

#### **Arrest**

*Fleming v. Ontario*, 2019 SCC 45

*R. v. Storrey*, 1990 CanLII 125 (S.C.C.)

### **Entry of premises**

*R. v. Evans*, 1996 CanLII 248 (S.C.C.)

### **Search and seizure**

*Hunter v. Southam Inc.*, 1984 CanLII 33 (S.C.C.)

*R. v. Collins*, 1987 CanLII 84 (S.C.C.)

*R. v. Edwards*, 1996 CanLII 255 (S.C.C.)

*R. v. Belnavis*, 1997 CanLII 320 (S.C.C.)

*R. v. Telus Communications Company*, 100 C.R. (6<sup>th</sup>) 290 (S.C.C.)

*R. v. Jones*, 2017 SCC 60

*R. v. Patrick*, 2009 SCC 17

### **Search warrants**

*R. v. Griffith*, 2021 ONCA 302

*R. v. Pileggi*, 2021 ONCA 4

*R. v. Debot*, 1989 CanLII 13 (S.C.C.)

*R. v. Brown*, 2021 ONCA 119

*R. v. Garofoli*, 1990 CanLII 52 (S.C.C.)

*R. v. Plant*, 1993 CanLII 70 (S.C.C.)

*R. v. Morelli*, 2010 SCC 8



## **Blood samples**

*R. v. Laba*, 1994 CanLII 41 (S.C.C.)

## **Review of search warrants**

### **General warrant**

-*R. v. Ha*, 2009 ONCA 340 (Ont.C.A.), leave to appeal refused, 2009 CanLII 63926 (S.C.C.)

*R. v. Villaroman*, 2018 ABCA 220

### **Tracking Device Warrants**

*R. v. Wise*, 1992 CanLII 125 (S.C.C.)

*R. v. Edwards*, 2014 ONSC 6323

### **Transmission Data Recorder Warrants**

*R. v. Cody*, 2007 QCCA 1276

*R. v. Nguyen*, 2004 BCSC 76

### **DNA Warrants**

*R. v. Rodgers*, 2006 SCC 15 *R. v. Beare*, 1988 CanLII 126 (S.C.C.)

### **Wiretaps**

*R. v. Garofoli*, 1988 CanLII 3270, rev'd 1990 CanLII 52 (S.C.C.)

*R. v. Dersch*, 1990 CanLII 3820 (S.C.C.)

*R. v. Crevier*, 2015 ONCA 619

*R. v. Green*, 2015 ONCA 579 *R. v. Lising*, 2005 SCC 66

### **s.8 and 24(2)**

#### **Warrantless searches**

*R. v. Boulanger*, 2022 SCC 2

*R. v. Nolet*, 2010 SCC 24

*R. v. Canfield*, 2020 ABCA 383

*R. v. Vu*, 2013 SCC 60

*R. v. Fearon*, 2014 SCC 77

*R. v. Al-Askari*, 2021 ABCA 204

*R. v. Hudson*, 2005 SCC 34

*R. v. Caslake*, 1998 CanLII 838 (S.C.C.)

*R. v. Golden*, 2001 SCC 83

*R. v. Saeed*, 2016 SCC 24

#### **Consent searches**

*R. v. Stairs*, 2022 SCC 11

#### **Investigation and questioning of suspects**

*R. v. Simpson*, 1993 CanLII 3379 (Ont.C.A.)

*R. v. Mann*, 2004 SCC 52

*R. v. Le*, 2019 SCC 34

*R. v. Thomson*, 2020 ONCA 264

### **Voluntariness**

*R. v. Oickle*, 2000 SCC 38  
*R. v. Moore-McFarlane*, 2001 CanLII 6363 (Ont.C.A.)

### **Detention**

*R. v. Therens*, 1985 CanLII 29 (S.C.C.)  
*R. v. Thomsen*, 1988 CanLII 73 (S.C.C.)  
*R. v. Grant*, 66 C.R.(6<sup>th</sup>) 1 (S.C.C.)

### **s.10(a) Rights**

*R. v. Evans*, 1991 CanLII 98 (S.C.C.)  
*R. v. Borden*, 1994 CanLII 63 (S.C.C.)

### **s. 10(b) (Right to Counsel)**

*R. v. Thompson*, 2020 ONCA 264  
*R. v. Tutu*, 2021 ONCA 805  
*R. v. Mann*, 2021 ONCA 103  
*R. v. Brydges*, 1990 CanLII 123 (S.C.C.)  
*R. v. Bartle*, 1994 CanLII 64 (S.C.C.)  
*R. v. Prosper*, 1994 CanLII 40 (S.C.C.)  
*R. v. Manninen*, 1987 CanLII 67 (S.C.C.)  
*R. v. Willier*, 2010 SCC 37  
*R. v. Sinclair*, 2010 SCC 35  
*R. v. McCrimmon*, 2010 SCC 36  
*R. v. Leclair*, 1989 CanLII 134 (S.C.C.)

### **Right to silence**

*R. v. Hebert* (1990), 77 C.R.(3d) 145 (S.C.C.)  
*R. v. Singh* (2007), 51 C.R.(6<sup>th</sup>) 199 (S.C.C.)  
*R. v. McCrimmon*, 2010 SCC 36  
*R. v. Sinclair*, 2010 SCC 35  
*R. v. Henry*, 2005 SCC 76 (1988), 68 C.R. (3d) 123 (Ont.C.A.)  
*R. v. Nedelcu*, 2012 SCC 59  
*R. v. Noel*, 2002 SCC 67

### **s.15 equality rights**

*Andrews v. Law Society of British Columbia*, 1989 CanLII 2 (S.C.C.)

### **Pre-Trial Release**

#### **Bail Hearings**

*Antic*, 2017 SCC 27  
*R. v. E.B.*, 2020 ONSC 4383  
*R. v. L.W.B.*, 2021 ONSC 6152  
*R. v. Ismail*, 2020 ONSC 5519  
*R. v. Elliott*, 2020 ONSC 2976

*R. v. J.L.*, 2020 ONSC 3038

### **Bail Reviews**

*R. v. St-Cloud*, 2015 SCC 27

*R. v. Myers*, 2019 SCC 18

*R. v. Zora*, 2020 SCC 14

### **Disclosure**

*R. v. Stinchcombe*, 1991 CanLII 45, [1991] 3 S.C.R. 326

*R. v. McNeil*, 2009 SCC 3

*R. v. Quesnelle*, 2014 SCC 46

*R. v. O'Connor*, 1995 CanLII 51, 44 C.R.(4<sup>th</sup>) 1 (S.C.C.)

*R. v. Mills*, 1999 CanLII 637, 28 C.R.(5<sup>th</sup>) 207 (S.C.C.)

*R. v. Carosella*, 1997 CanLII 402, 4 C.R.(5<sup>th</sup>) 139 (S.C.C.)

### **Third Party Records**

*R. v. J.J.*, 2022 SCC 28

### **Preliminary Inquiries**

#### **Test on Committal**

*United States of America v. Shephard*, 1976 CanLII 8 (SCC), [1977] 2 SCR 1067

*R. v. Arcuri*, 2001 SCC 54, 44 C.R.(5<sup>th</sup>) 213 (S.C.C.)

*Mezzo v. R.*, 1986 CanLII 116, 52 C.R. (3d) 113 (S.C.C.)

*R. v. Monteleone*, 1987 CanLII 16, 59 C.R.(3d) 97 (S.C.C.)

*R. v. Deschamplain*, 2004 SCC 76, 196 C.C.C.(3d) 1 (S.C.C.)

*R. v. Sazant*, 2004 SCC 77

*R. v. R.S.*, 2019 ONCA 906

### **Pre-trial Applications in Criminal Proceedings**

#### **Constitutional Applications**

##### **Challenging legislation (s.52(1))**

*R. v. Lloyd*, 2016 SCC 13

*R. v. Nur*, 2015 SCC 15

*R. v. Oakes*, 1986 CanLII 46, 50 C.R.(3d) 1(S.C.C.)

*R. v. Ferguson*, 2008 SCC 6, [2008] 1 S.C.R. 96 (S.C.C.)

*Ontario (Attorney General) v. G.*, 2020 SCC 38

*Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 S.C.R. 1101

*Carter v. Canada (Attorney General)*, 2015 SCC 5, [2015] 1 S.C.R. 331

##### **Court of Competent Jurisdiction (s.24)**

*Mills v. R.*, 1986 CanLII 17, 52 C.R. (3d) 1 (S.C.C.)

*Mooring v. Canada (National Parole Board)*, 1996 CanLII 254 (S.C.C.)

*R. v. Hynes*, 2001 SCC 82 (S.C.C.)

##### **Exclusion of Evidence (s.24(2))**

*R. v. Grant*, 2009 SCC 32 (S.C.C.)

*R. v. Harrison*, 2009 SCC 34, 66 C.R.(6<sup>th</sup>) 105 (S.C.C.)  
*R. v. Suberu*, 2009 SCC 33 (S.C.C.)  
*R. v. Collins*, 1987 CanLII 84 (S.C.C.)

**Applications to stay proceedings for unreasonable delay (s.11(b))**

*R. v. Jordan*, 2016 SCC 27  
*R. v. K.G.K.*, 2020 SCC 7 (S.C.C.)  
*R. v. Ste Marie*, 2022 SCC 3  
*R. v. Charity*, 2022 ONCA 226  
*R. v. Boulanger*, 2022 SCC 2

**Stay of Proceedings for Abuse of Process (s.24(1))**

*R. v. Zarinchang*, 2010 ONCA 286 (Ont.C.A.) rev'g 2007, ONCJ 470 (Ont.C.J.)  
*R. v. Power*, 1994 CanLII 126

**Sentence Reduction**

- *R. v. Nasogaluak*, 2010 SCC 6, 251 C.C.C.(3d) 293 (S.C.C.)

**Mental Disorder**

**Assessments**

*R. v. John Doe*, 2011 ONSC 92 (Ont.S.C.J.)  
*R. v. Capano*, 2014 ONCA 599

**Fitness to stand trial**

*R. v. Taylor*, 1992 CanLII 7412, 17 C.R. (4<sup>th</sup>) 371 (Ont.C.A.)  
*R. v. Morrissey*, 2002 CanLI 20074, 169 C.C.C.(3d) 256 (Ont.S.C.J.)  
*R. v. Bharwani*, 2023 ONCA 203  
*R. v. Balliram*, 2003 CarswellOnt 774 S.C.J.)  
*R. v. Walker*, 2019 ONCA 765  
*R. v. Ta* (2002), 164 C.C.C.(3d) 97 (Ont.C.A.)

**Treatment Orders**

*Fleming v. Reid* (1991), 4 O.R. (3d) 74  
*Starson v. Swayze*, [2003] 1 S.C.R. 722 (S.C.C.)  
*R. v. Walker*, 2016 ONSC 2299  
*Centre for Addiction v. Mental Health v. R.*, 2014 SCC 60

**Defence of mental disorder/Not Criminally Responsible (NCR)**

*R. v. Swain*, 1991 CanLII 104, 5 C.R. (4<sup>th</sup>) 253 (S.C.C.)  
*Winko v. British Columbia (Forensic Psychiatric Institute)*, 1999 CanLII 694, [1999] S.C.J. No. 31  
*R. v. J.F.*, 2019 ONCA 432  
*R. v. Szostak*, 2012 ONCA 503  
*R. v. Dobson*, 2018 ONCA 589  
*R. v. Stone* (1999), 134 C.C.C. (3d) 353 (S.C.C.)  
*R. v. Cooper* (1980), 1 S.C.R. 1149  
*R. v. Luedecke* (2008), 236 C.C.C. (3d) 317 (Ont.C.A.)

*R. v. Chaulk* (1990), 62 C.C.C. (3d) 193 (S.C.C.)  
*R. v. Bouchard-Lebrun*, 2011 SCC 58  
*R. v. Guidolin*, 2011 ONCA 264  
*R. v. Richmond*, 2016 ONCA 134  
*R. v. Pietrangelo*, 2008 CarswellOnt 3286 (C.A.), application for leave to appeal to S.C.C. dismissed [2008] S.C.C.A. No. 309  
*R. v. Mann*, 2019 ONSC 1949

### **Protected statements**

*R. v. G.(B.)*, 1999 CanLII 690, (1999), 135 C.C.C.(3d) 303 (S.C.C.)

### **Post-verdict sentencing**

*R. v. Priorello*, 2012 ONCA 63  
*R. v. Batisse*, 2009 CarswellOnt 580 (C.A.)

### **The trial**

*R. v. Garofoli*, 1988 CanLII 3270 (Ont. C.A.), revd on other grounds 1990 CanLII 52 (S.C.C.).  
*R. v. T. (R.)*, 1992 CanLII 2834 (Ont. C.A.)  
*R. v. Davis*, 2020 ONCA 326 (Ont. C.A.),

### **Expert evidence**

*R. v. Mohan*, 1994 CanLII 80 (S.C.C.)  
*R. v. Abbey*, 2009 ONCA 97  
*R. v. Abbey*, 2017 ONCA 640  
*R. v. Sekhon*, 2014 SCC 15  
*R. v. Graat*, 2014 SCC 15  
*White Burgess v. Abbott and Haliburton Co.*, 2015 SCC 23

### **Confessions**

*R. v. Oickle*, 2000 SCC 38

### **Charge to Jury**

*W.D.*, 1991 CanLII 93, 63 C.C.C.(3d) 397, 3 C.R.(4th) 302 (S.C.C.)

### **Directed verdicts**

*R. v. Rowbotham*, 1993 CanLII 56, 85 C.C.C. (3d) 575n, additional reasons 1994 CanLII 93, 90 C.C.C. (3d) 449 (S.C.C.).  
*R. v. Charemski*, 1998 CanLII 819, 123 C.C.C. (3d) 225 (S.C.C.).

### **Mistrial**

*R. v. Chiasson*, 2009 ONCA 789  
*R. v. Burke*, [2002] 2 S.C.R. 857

### **Section 276**

*R. v. Seaboyer*, 1991 CanLII 76, 7 C.R.(4th) 117 (S.C.C.)  
*R. v. Darrach*, 2000 SCC 46

*R. v. R.V.*, 2019 SCC 41

## **Defences**

### **Self defence (ss.34-42)**

*R. v. Khill* 2021 SCC 37  
*R. v. Evans*, 2015 BCCA 46  
*R. v. Bengy*, 2015 ONCA 397  
*Green c. R.*, 2015 QCCA 2109

## **Consent**

*R. v. Jobidon*

## **Lack of Mens rea**

*R. v. Zora*, 2020 SCC 14

## **Intoxication**

*R. v. Brown*, 2022 SCC 18  
*R. v. Sullivan*, 2022 SCC 19

## **Corbett Applications**

*R. v. Corbett*, 1988 CanLII 80, [1988] 1 SCR. 670

## **Confessions Rule**

*R. v. Oickle*, 2000 SCC 38, [2000] 2 SCR 3

## **Sexual Offences**

### **Capacity to Consent**

*R. v. Barton*, 2019 SCC 33  
*R. v. J.A.*, 2011 SCC 28  
*R. v. G.F.*, 2021 SCC 20  
*R. v. C.P.*, 2021 SCC 19

## **Jury Selection**

*Chouhan*, 2021 SCC 26

## **Trial Proceedings**

### **Trial conduct**

*Boucher v. The Queen*, 1954 CanLII 3, 110 C.C.C. 263 (S.C.C.)

## **Sentencing**

### **Secondary consequences of guilty pleas/sentences**

*R. v. Quick*, 2016 ONCA 95  
*R. v. Wong*, 2018 SCC 25  
*Tran v. Canada (Public Safety and Emergency Preparedness)*, 2017 SCC 50,  
[2017] 2 S.C.R. 289  
*R. v. V.N.*, 2022 ONCA 31

### **Considerations for Racialized clients**

*R. v. Morris*, 2021 ONCA 680

### **Indigenous Clients**

**For a detailed list, please refer to Gladue roster standards**

*R. v. Gladue*, 1999 CanLII 679, [199] 1 S.C.R. 688

*R. v. Ipeelee*, 2012 SCC 13

*R. v. Robinson*, 2009 ONCA 205

*R. v. Hope*, 2016 ONCA 648

### **Availability of non-custodial sentences**

#### **Availability of Conditional Sentences**

*R. v. Sharma*, 2022 SCC 39

### **Pre-sentence Credit**

*R. v. Summers*, 2014 SCC 26

*R. v. Duncan*, 2016 ONCA 7540

*R. v. Downes*, 2006 CanLII 3957 (Ont. C.A.)

*R. v. Marshall*, 2021 ONCA 344

*R. v. Safarzadeh-Markhali*, 2016 SCC 14

*Kienapple v. R.*, 1974 CanLII 14, [1975] 1 SCR 729

*R. v. Prince*, 1986 CanLII 40

### **Indigenous Peoples and the Criminal Justice system**

For more details, please refer to the section on *Gladue* matters

*R. v. Gladue*, 1999 CanLII 679, 133 C.C.C.(3d) 385 (S.C.C.)

*R. v. Hope*, 2016 ONCA 648

### **Dangerous Offenders**

*R. v. Boutilier*, 2017 SCC 64

### **Post Sentencing**

#### **Parole Eligibility**

*Shropshire*, 1995 CanLII 47, 102 C.C.C.(3d) 193, 43 C.R.(4<sup>th</sup>) 269 (S.C.C.)

*Dell*, 2018 ONCA 674, 364 C.C.C. (3d) 419, leave to appeal refused, [2018] S.C.C.A. No. 389

*R. v. Liu*, 2022 ONCA 460

Sexual Offender Information Registry

*R. v. Ndhlovu*, 2022 SCC 38

### **Human Trafficking**

*R. v. Reginald Louis Jean*, 2020 ONSC 624 (Ont. S.C.J.)

*R. v. Ahmed et al.*, 2019 ONSC 4822 (Ont. S.C.J.)

*R. v. D'Souza*, 2016 ONSC 2749 (Ont. S.C.J.)

*R. v. Joseph*, 2020 ONCA 733 (Ont. C.A.)

## **Youth Criminal Justice Act (YCJA) Matters**

- *R. v. D.B.* [2008] 2 S.C.R. 3; 2008 SCC 25. – diminished moral culpability
- *R. v. B.W.P.*; *R. v. B.V.N.*, [2006] 1 S.C.R. 941. – general deterrence not applicable
- *R. v. L.T.H.* 2008 SCC 49. – enhanced protections for statements
- *R. v. A.M.*, 2008 SCC 19 – school searches allowed in some contexts
- *R. v. Jarvis*, 2019 SCC 10 – privacy rights of a youth at school
- *R. v. K.J.M.*, 2019 SCC 55 – s.11(b) in youth context
- *R. v. S.A.C.*, 2008 SCC 47 – custody gateway – when is custody an available sentence
- *R. v. R.D.* 2010 ONCA 899. – bail – what is a responsible person
- *L.S. v. N.B.* (2005), 195 C.C.C. (3d) 481. – special records protections – some explanation
- *Toronto Star Newspaper Ltd v. Ontario*, 2012 ONCJ 27. – no public access to specific records
- *R. v. T.B.-J.*, 2017 ONCA 746. – young person taking substantial rehabilitative efforts on their own
- *R. v. C.D.K.*, 2005 SCC 78
- *R. v. B-S.(T.)*, 2014 253
- *R. v. Okemow*, 2017 MBCA 59
- *R. v. A.A.Z.*, 2013 MBCA 33
- *R. v. M.W. and T.F.*, 2017 ONCA 22
- *R. v. Chol*, 2018 BCCA 179

## **Other Criminal Law Resources**

- E.G. Ewaschuk, *Criminal Pleadings and Practice in Canada*, 3<sup>rd</sup> ed (Toronto: Canada Law Book, 2022). •
- D. Tanovich et al., *McWilliam's Canadian Criminal Evidence*, 5<sup>th</sup> ed (Toronto: Canada Law Book, 2013, looseleaf updated).
- D. Watt, *Watt's Manual of Criminal Evidence* (Toronto: Thomson Reuters Ltd., 2023). •
- C. Sproule, *Canadian Sentencing Digest* (Toronto: Carswell, 2019) (also available on Westlaw).
- B. Jones et al., *Prosecuting and Defending Youth Criminal Justice Cases*, 2<sup>nd</sup> Edition (Toronto: Emond Publishing, 2019).
- M. Bloomenfeld & P. Harris, *Youth Criminal Justice Act Manual* (Toronto: Thomson Reuters Ltd., 2023).
- A. Szigeti and R. Dhand, *Law and Mental Health in Canada: Cases and Materials* (Toronto: LexisNexis Canada Inc., 2022)
- J. Barrett and R. Shandler, *Mental Disorder in Canadian Criminal Law* (Toronto: Thomson Reuters Ltd., 2023)

## **Material for review by roster members authorized to provide legal aid services**



## in health law consent and capacity matters

### Legislation

#### *Substitute Decisions Act*

O.Reg. 26/95

O.Reg. 99/96

O.Reg. 100/96, Accounts and Records of Attorneys and Guardians

O.Reg. 460/05, Capacity Assessments

#### *Powers of Attorney Act*

#### *Health Care Consent Act*

O.Reg. 104/96, Evaluators

Forms

#### *Mental Health Act*

General – R.R.O. 1990, Reg.741

Forms

#### *Personal Health Information Protection Act*

O.Reg.329/04

Forms

#### *Mandatory Blood Testing Act*

General – O.Reg. 449/07

#### *Statutory Powers Procedure Act*

### Court Rules

Rules of Practice 2019, Consent and Capacity Board

Policy Guidelines 1-4

Superior Court of Justice, Rules, Policies and Practice Directions

### Significant Leading and Current Jurisprudence

*Starson v. Swayze*, [2003] S.C.J. No. 33 (S.C.C.)

*Daugherty v. Stall*, [2002] O.J. No. 4715 (Ont. S.C.J.)

*Reibl v. Hughes*, [1980] S.C.J. No. 105 (S.C.C.)

*Hopp v. Lepp*, [1980] S.C.J. No. 57 (S.C.C.)

*M.(A.) v. Benes*, [1999] O.J. No. 4236 (Ont. C.A.)

*Fleming v. Reid*, [1991] O.J. No. 1083 (Ont. C.A.)

*Re Koch*, [1997] O.J. No. 1487 (Ont.Gen.Div.)

*T.(I.) v. L.(L.)*, [1999] O.J. No. 4237 (Ont. C.A.)

*Gajewski v. Wilkie*, 2014 ONCA 897 (Ont. C.A.)

*Gligorevic v. McMaster* (2012), 109 O.R. (3d) 321 (Ont. C.A.)

*Morwald-Benevides v. Benevides*, 2019 ONCA 1023

*R. v. Conway*, 2010 SCC 22 (S.C.C.)

*R. v. LePage*, [2006] O.J. No. 4486 (Ont. C.A.)  
*V.(W.,) v. Strike*, 2018 ONSC 1263  
*Woods v. Chatterjee*, 2018 ONSC 73  
*Paluska v. Cava*, [2001] O.J. No. 4010 (Ont. S.C.J.)  
*Malette v. Shulman*, [1990] O.J. No. 450 (Ont. C.A.)  
*Rasouli (Litigation Guardian of) v. Sunnybrook Health Sciences Centre*, [2011] O.J. No. 2984 (Ont.C.A.)  
[\*Canada \(Minister of Citizenship and Immigration\) v Vavilov\*](#), 2019 SCC 65

**Material for review by roster members authorized to provide legal aid services in extremely serious criminal law matters**

ESM covers the following offences.

- Murder (s.235)
- Conspiracy to Murder (s.465(1)(a))
- Criminal Negligence causing Death (firearm) (s.220(a))
- Manslaughter (Firearm) (s.236(a))
- Attempt Murder (Firearm) (s.239(a))
- Causing Bodily Harm with Intent (Firearm) (s.244)
- Sexual Assault (Firearm) (s.272(s)(a))
- Aggravated Sexual Assault (Firearm) (s.273(2)(a))
- Kidnapping (Firearm) (s.279(1.1)(a))
- Hostage-taking (Firearm) (s.279(1.2)(a))
- Robbery (Firearm) (s.344(a))
- Extortion (Firearm) (s.346(1.1.))
- Commission of Offence for Terrorist Group
- Instruct to Carry out Activity for Terrorist Group
- Instruct to Carry out Terrorist Activity
- Dangerous Offender Proceedings
- Cases with a Mandatory Minimum of four years or more

**Legislation**

Roster members should have knowledge of the following legislation:

- Canadian Evidence Act*
- Cannabis Act*
- Contraventions Act*
- Controlled Drugs and Substances Act*
- Criminal Code of Canada*
- Canadian Charter of Rights and Freedoms*
- Corrections and Conditional Release Act and Regulations*
- Courts of Justice Act*
- Criminal Records Act and Regulations*
- DNA Identification Act*
- Extradition Act*
- Firearms Act*
- Highway Traffic Act*